



SAI SINDHU INTERNATIONAL JOURNAL OF RESEARCH (SSIJR)

www.ssi jr.org

**CONFERENCE OF PARTIES AND SECRETARIAT TO UNFCCC:
AN ORGANIZATION**

Vidhulla Bharani D¹

Assistant Professor of Law, Erode College of Law, Erode.

ABSTRACT:

International Organizations play a crucial role in promoting international peace, security, cooperation, and sustainable development. The United Nations, as the foremost global organization, has established several institutional mechanisms to address contemporary global challenges, including environmental degradation and climate change. Climate change has emerged as one of the most significant environmental issues affecting the global community, necessitating collective international action. In response, international legal frameworks such as the United Nations Framework Convention on Climate Change (UNFCCC), the Kyoto Protocol, and the Paris Agreement have been adopted to mitigate and adapt to climate change impacts. The UNFCCC establishes an elaborate institutional framework consisting of the Conference of Parties (COP), the Secretariat, subsidiary bodies for scientific, technological, and implementation-related matters, and a financial mechanism. These bodies collectively facilitate intergovernmental cooperation, policy formulation, and implementation of climate-related commitments. Despite their extensive roles, the UNFCCC and its bodies are not explicitly recognized as international organizations under the Convention.

This paper critically examines whether the principal bodies of the UNFCCC, particularly the Conference of Parties and the Secretariat, possess the characteristics of International Organizations. It analyses the provisions of the UNFCCC to understand the powers, functions,

¹ Faculty, Erode College of Law, Erode.

and institutional structure of these bodies and compares them with the functional attributes of established international organizations. The COP exercises decision-making authority, oversees financial mechanisms, establishes scientific and technical bodies, and monitors the implementation of commitments under the Convention. The Secretariat, serving as the administrative and operational hub, effectively functions as the headquarters of the COP. Supported by major international organizations such as UNEP and WMO, and recognized by institutions like the OECD for its role in international rule-making, the COP and the Secretariat of the UNFCCC exhibit essential characteristics of International Organizations. Accordingly, these bodies function as effective international organizations playing a vital role in global climate governance.

Keywords: UNFCCC, Conference of Parties, Secretariat, International Organizations, Climate Change Governance

INTRODUCTION:

To unite our world and to attain several common purposes among nations, which is related to maintenance of peace and security, International organizations (here in after referred as IO) are formed under relevant treaties and agreements. On the notion of common benefit and also to uphold international cooperation, foster amicable relations between states, preserve peace and security, and coordinate national activities, the United Nations (here in after referred to as UN) was established. International Organizations means an Intergovernmental Organization.² United Nations being an organization organizes and promotes several subsidiary organs to fulfil the objectives and purposes of UN and of its own specialized organization. Each

and every IOs has its unique functions to be followed and maintained. For welfare of the state and people we have World Health Organization for health, World Trade Organization for trade related aspects, and other organization was established for specified functions. The UN is the superior authority, which authorizes every individual organization and supports its existence.

As the environment of our world is changing day by day several environmental issues arising around the world. One major environmental issue that we face massive is climate change. To deal with this we have the United Nations Framework Convention on Climate Change (herein after referred as UNFCCC), the Kyoto Protocol, and the Paris Agreement for the climate change

² Vienna Convention on the Law of Treaties, 1969, art. 2 (1)(i).

related issues. A Conference of Parties (COP), a Secretariat, a subsidiary organization for scientific and technological advice, a subsidiary body for implementation, and a funding mechanism are among the institutional arrangements established by the treaty for the intergovernmental climate change process. The convention's goal is to stabilize atmospheric concentrations of greenhouse gases (GHGs) at a level that would avoid harmful anthropogenic (resulting from human activity) disruption of the climate system. Every year, the convention's parties have taken a number of actions under the treaty body. That decision has been followed by many states. Treaty bodies like COP, Secretariat are highly needed to save the earth from drastic changes of climate. This paper is limited to analyse the functions of Conference of Parties is related with functions of other International Organizations and to examine that the treaty body like COP, Secretariat can be considered to be the character of specialized agencies of UN. The scope of the paper is to study and discuss the provisions of UNFCCC and their principal and subsidiary bodies and their powers and functions. The present study makes a critical analysis of the organizational view of COP and the secretariat of UNFCCC. The present study aims to achieve the following: To explore the provisions of the

UNFCCC, to understand the functions and powers of the principal and subsidiary bodies of UNFCCC, to examine whether those bodies of UNFCCC is under the purview of organization.

The present study is constructed based upon the available primary source namely International Convention, Committee reports. It also utilised secondary sources like the journals, articles from websites, and UNFCCCs own website. This study follows the doctrinal method of research and takes up the analytical and descriptive approach. Whether the principal bodies like Conference of Parties and the Secretariat under United Nations Framework Convention on Climate Change can be considered as International Organization?

UNITED NATIONS FRAMEWORK CONVENTION ON CLIMATE CHANGE:

The climate change has been a hot topic since 1980s to till now. The United Nations Framework Convention on Climate Change came into force and sorted many issues not completely but to the extent. Every year the convention is reviewed accordingly to the uprising issues related to climate change.

NEGOTIATING HISTORY OF UNFCCC:

Our Earth is flooded with huge number of resources. It enriches with green plants and

different living species. As this wealth has been degraded and destroyed by the humans living here. When the world become industrialized exploitation of natural resources were become huge. This causes ultimate changes in climate. Global warming is one of the main consequences of climate change. The global yearly temperature has risen by 1 degree Celsius, or around 2 degrees Fahrenheit, during the Industrial Revolution. the rise in greenhouse gas concentrations in the atmosphere brought on by human activity. In general, the global temperature is controlled by the greenhouse gas impact.

Scientists issued a warning about the rise in greenhouse gas emissions later in the mid-1980s, stating that these increases may indicate the dangers of climate change to both humans and the environment. Through the International Conference on Assessment of the Role of Carbon dioxide and of Other Greenhouse Gases in Climate Variations and Associated Impacts, which took place in Villach, Austria, in 1985, scientists who were aware of the effects of climate change urged politicians to work together in the formulation of policies and to support human-induced climate change. The need for quick action is increased by the finding of ozone holes and the heat waves they cause.

Greenhouse gas emissions are not covered by the Ozone Layer Protection regime, which includes the Vienna Convention for the Protection of the Ozone Layer, 1985, and the Montreal Protocol on Substances that Deplete the Ozone Layer, 1987. Thus, the states are eager to develop a legally enforceable climate change convention. The World Meteorological Organization and the United Nations Environment Program (UNEP) created the international Panel on Climate Change (IPCC) in 1988 as a scientific international agency for adaptation and mitigation. The developing nations believed that the IPCC had not adequately addressed their concerns. Thus, the UN General Assembly established the International Negotiating Committee for a Framework Convention on Climate Change (INC). All of the UN's member states and its specialized agencies are welcome to join this committee. At the 1992 United Nations Conference on Environment and Development (UNCED) in Rio de Janeiro, it was made available for signature with all the necessary pledges. This framework has almost universal membership with all ratifications as of 2008.

OBJECTIVES OF UNFCCC:

The Convention's long-term goal is "to achieve the stabilisation of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous

anthropogenic interference with the climate system". The convention defines climate change as "change of climate which is attributed directly or indirectly to human activity that alters the composition of the global atmosphere and which is in addition to natural climate variability observed over comparable time periods."³

Some of the promises specified in this agreement are binding to all parties, while others are exclusively applicable to developed nations. Developed nations participated in the effort to reduce emissions caused by human activity in order to bring GHG emissions down to 1990 levels. They have even helped the vulnerable nations meet the costs of adaptation and supplied monies to cover the whole incremental costs for developing states to execute general pledges.

INSTITUTIONS UNDER UNFCCC:

The convention establishes five major institutions for the application of the convention and to achieve the object of the convention. One of the major and important convention is the Conference of Parties (COP), next to it is the Secretariat. Both needs delegations for the additional board. After several negotiations and suggestions

from the developed and developing countries, additional board were formed. The International Negotiating Committee (INC) established two bodies which is subsidiary to COP. One is to provide scientific and technological advice and the other to facilitate implementation. Adding to this the convention Global Environment Facility (GEF) has been initiated under the convention for the financial mechanism. The convention also authorizes the COP to create additional subsidiary bodies as and whenever needed for the preservation of flexibility under the convention.⁴

CONFERENCE OF PARTIES:

The Conference of Parties (COP) is the supereminent decision-making body of the Convention.⁵ Its primary responsibilities include reviewing the convention's consequences and effects and making decisions regarding its implementation. The COP is particularly allowed to oversee the institutional arrangements and obligations of the parties under the convention, as well as to offer recommendations regarding issues that are essential to achieving the convention's goal. The COP's yearly meetings are essential to the convention's continued development. It serves as a forum for discussions between states and NGOs

³ United Nations Framework Convention on Climate Change, 1992, art 1(2).

⁴ Daniel Bodansky, "The United Nations Framework Convention on Climate Change: A

Commentary" 18:451 *Yale Journal of International Law* 533 (1993).

⁵ United Nations Framework Convention on Climate Change, 1992, art 7(2).

during COP meetings. This will also focus on the public attention on the problems that arise out of climate change. The states will be under pressure to uphold and reinforce their obligations under the treaty as a result of this summit. In addition to these crucial duties, the COP is in charge of a variety of routine and specialized responsibilities.

The COP is responsible for calculating the country GHG inventories and the impact of the emission limit. It also to designate the permanent secretariat. It extends its functions to review and establish the reports by the subsidiary bodies and adopt rules and regulations for the financial mechanism. Generally, under the convention the COP has some privileges to exercise their powers to fulfil the objective of the convention. Those privileges should not be vulnerable and it should not affect the legal authority. The decisions by the COP are mostly by consensual but it can also decide through majority. Additionally, non-state observers of the UN or its specialized agencies are permitted by the agreement to attend the COP as observers. likewise, it allows certain eligible NGOs to attend meetings as observers.

With effect to the Article 7(3) of UNFCCC, at the second session of the COP they

adopted rules of Procedure for the actions of COP. The rules of procedure for the COP shows that it has its own format of conducting sessions and to decide the matters. The place of the session, the date of the session can also be discussed by the parties and it will be followed there by. The sessions of the COP are numbered from one and the latest session i.e., COP27 were held on November 2022 at Sharm El-Sheik, Egypt. The decisions taken by the COP will be reviewed every year. Their decisions were made on the common benefit of the entire world.

SECRETARIAT:

The Secretariat to the Convention was established in 1992, and located in Geneva. It has been situated in Bonn, Germany, since 1996. It was established with the goal of assisting the worldwide response to the challenge posed by climate change. Together with the Kyoto Protocol and the Paris Agreement, the Secretariat is in charge of carrying out the convention. The secretariat offers technical assistance, aids in the assessment and analysis of the information on climate change that Parties report, and helps with the implementation of the Kyoto processes.⁶ A crucial component of the Paris Agreement's

⁶ United Nations Climate Change, *available at:* <https://unfccc.int/about-us/about-the-secretariat> (last visited on December 14, 2025).

implementation is the registry for Nationally Determined Contributions (NDC), which is maintained by it. Every year, the secretariat arranges and facilitates two to four negotiations. The Conference of the Parties, which takes place every year in various locations across the globe, is the biggest and most significant event. With an average attendance of more than 25,000 people, it is the biggest annual United Nations assembly. In addition to the annual sessions of the so-called subsidiary organizations, the secretariat organizes various meetings and seminars all year long in addition to these important conferences.

Before the establishment of the present secretariat, the INC secretariat has been used for the purpose of overseeing the measures of climate change. Even after the convention some delegations were made to follow up the INC secretariat. It follows the first COP and later the COP decides for the formation of new secretariat exclusively for UNFCCC. The UNFCCC secretariat supports and regulates all the institutions involved in the international climate change negotiations, more importantly the COP and CMP.

COMPARISON OF UNGA WITH COP:

Article 7 of the UN charter deals with the establishment of principal organs of UN.

They are a General Assembly, a Security Council, an Economic and Social Council, a Trusteeship Council, an International Court of Justice and a Secretariat. As same in case of UNFCCC we have principal organs. Mostly the functions of UN General Assembly are similar with the functions of COP. Within the parameters of the UN charter, the UNGA may debate any issue and offer suggestions to the Security Council, the UN members, or both.⁷ The UNGA will conduct research and offer proposals to advance international political cooperation as well as the advancement of international law and its codification.⁸ As like the UNGA the COP acts as a supreme body for the UNFCCC. The COP will be followed by the secretariat about its functions and the reports of the COP will be done by it. So, it is being cleared that as UNGA for UN, COP is for UNFCCC. From this we can say that UNFCCC as an organization and COP as a principal organ to it.

CONCLUSION:

It is not explicitly mentioned anywhere that UNFCCC is an organization and other principal bodies or the subsidiary bodies are organs to it. With the roles and powers of the COP we can consider and conclude that it is an organization. Though it does not

⁷ Charter of the United Nations, 1945, art 10.

⁸ Charter of the United Nations, 1945, art 13(1)(a).

have its own headquarters, the secretariat to the UNFCCC remains as a headquarters to the COP of UNFCCC. Because the functions of the COP were reported by the secretariat of UNFCCC. Since the COP of UNFCCC has its own financial mechanisms and the scientific and technological committee to discuss the current and contemporary environmental issues. It has its own nature of implementing its commitment under the convention. This has aid and support from other major organizations such as UNEP and WMO for its effective implementation. Moreover, the OECD consider UNFCCC as an organization that relates with international rule making. Hence, it shall be concluded that the UNFCCC's COP and its secretariat is an organization and it is highly effective on its role and it is exercising its duties in an effective manner.

REFERENCES:

1. <https://unfccc.int/process-and-meetings/what-are-united-nations-climate-change-conferences>
2. <https://unfccc.int/about-us/about-the-secretariat>
3. <https://unfccc.int/process-and-meetings/what-are-governing-process-management-subsidiary-constituted-and-concluded-bodies>
4. <https://legal.un.org/avl/ha/ccc/ccc.html>
5. <https://www.oecd.org/gov/regulatory-policy/IO-Rule-Based%20System.pdf>
6. Vienna Convention on Law of Treaties.
7. United Nations Framework Convention on Climate Change
8. Charter of United Nations.
9. Daniel Bodansky, "The United Nations Framework Convention on Climate Change: A Commentary" 18:451 Yale Journal of International Law (1993).
10. Laurence Boisson de Chazournes, 2008, "Introductory Note to United Nations Framework Convention on Climate change", United Nations Audiovisual Library of International law.